



A Residuals Management Company

July 13, 2010

Ms. LaDonna Castanuela MC-105
Chief Clerk
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Re: Docket No 2010-0735-IWD, Synagro of Texas-CDR, Inc., Request(s) filed on Permit No. WQ0004887000

Docket No. 2010-0651-IWD, Synagro of Texas-CDR, Inc., Request(s) filed on Permit No. WQ0004888000

Dear Ms. Castanuela:

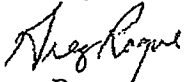
Synagro of Texas-CDR, Inc. is requesting that a contested case not be granted on the above mentioned permits based on the fact that the requestors are not affected persons. An affected landowner/person is as follows according to TCEQ form 10451-inst (2/27/08) page 7

2. AFFECTED LANDOWNER LIST - Submit a list, cross-referenced in consecutive numeric order to the affected landowner map, of the names and mailing addresses of the potentially-affected landowners. At a minimum, the list must include **all landowners adjacent to the application site property boundaries and all landowners who live on land** located within 1/4 mile of the property boundaries where the beneficial land area is/will be located. **Alternatively**, the list can consist of all landowners located within 1/4 mile of the property boundaries where the beneficial land area is/will be located. Please provide the list of landowners and their mailing addresses on a separate sheet of 8 1/2" x 11" paper.

The land application of biosolids is a proven beneficial reuse program approved and supported by the Environmental Protection Agency and the Texas Commission on Environmental Quality. Synagro wants to reassure the citizens in the Del Valle area that we are not building a wastewater treatment plant or facility as originally thought by the community when the TCEQ sent out letters to the affected landowners/persons. We are only land applying material from City of Austin- Hornsby Bend Biosolids Management Plant.

Synagro follows all applicable federal regulations and a strict internal guideline for applying biosolids at agronomic rates so the rancher/farmer field/crop are not damaged and so that the soils are not overloaded with nutrients and metals.

Sincerely,

A handwritten signature in cursive script, appearing to read "Greg Roque".

Greg Roque

Technical Services Manager

C.C: Rosemary Kalina, The Executive Director (Daniel Ingersoll Staff Attorney, Bijaya Chalise Technical Staff), Public Interest Counsel (Mr. Blas J, Coy, Jr. Attorney), Office of Public Assistance (Ms. Bridget Bohac, Director), David & Victoria Rogers, and Mailing List

Rosemary W. Kalina
P. O. Box 1056 Bastrop, Texas 78602 Phone: 512 - 247-2513

Written Comments for the:

Docket No. 2010-0651-IWD Synagro of Texas-CDR, Inc.
Request(s) filed on Permit No. WQ0004888000
Docket No. 2010-0735-IWD, Synagro of Texas-CDR, Inc.
Request(s) filed on Permit No. WQ0004887000

Thank you in advance for allowing me to comment on these permits. My name is Rosemary W. Kalina. I am a cattle rancher and grass farmer and I have requested Synagro to apply organic fertilizer to my ranch. The community of Garfield is approximate seven miles East of Austin International Airport in which I grew up in. It is a rural community which has grown with residents moving into the area slowly.

In reference to the Del Valle schools, (which I attended from 1st grade to graduation) only occasionally was there a smell from the treatment plant. The schools moved due to the air base being changed into the Austin Airport. The Del Valle Schools and Del Valle Administration office moved to a location on Ross Road along with their football field. This sludge was applied years ago; there have been improvements in the treatment of this product before it is applied to land now. So it goes to reason it is better than it was then.

There are some people in the community who have gotten the idea that there is a waste treatment plant going to be built on Richards Drive, that is NOT the case in regard to these permits. These false ideas have been circulated and are difficult to correct. One couple who requested a hearing did not even have the courtesy of attending the first hearing that was held at the Del Valle School on Ross Road and are now wanting another hearing. Where they live is down Caldwell Lane which is not in the affected area. They have a misconception it is a treatment plant and it is not. This organic fertilizer will be applied to ranch and farm land which will be enhancing the soil.

As an active member (Vice-Chair of the Council, Fall Fest Chairman, Finance Committee member,) of the Haynie Chapel United Methodist Church, in Garfield, one of the oldest churches around, I personally do not believe our church will be effected by applying this sludge on the land. Russell Williams has applied for a permit. William Wallace is also seeking this on his property, and he is a long standing and active member of several committees of this church. Several other community members have applied or are in the process of this with Synagro. This is not a "church" issue.

The United States is heading toward a "green" environment. What is more "green" than natural organic fertilizer? I have had to use chemical fertilizer in the past but would prefer organic. It will

benefit the soil in a safe natural way as God intended it to be. Landowners will benefit, along with tax payers and consumers by this natural organic fertilizer. The land application of this organic fertilizer will give much needed nutrients to the soil. These nutrients will increase the production of grass and hay products. This is the process of recycling, the City of Austin is committed to protecting the environment and the Hornsby Bend Biosolids plant is the plant that receives their biosolids. It is my understanding Hornsby Bend treats the biosolids to kill pathogens before these Biosolids are recycled. Not only will the organic fertilizer benefit us, as a cattle and farming industry, but the cities which need to dispose of their sludge. It is a win- win situation for all concerned. The soil will receive rest and recovery with this natural fertilizer.

The economic value is a great benefit to the landowners who are willing to participate in this opportunity. The exposure has been carefully studied by experts and there are not any great - harmful effects. It is my understanding this "Organic" fertilizer has been certified through the proper governmental channels.

The drought, even though we have had rain the last several weeks, is a severe threat to the ranching industry and Texas is the largest in the United States. We come from a long line of pioneer stock, but we, as ranchers and farmers need a break and this fertilizer will come as a strong benefit to us.

With the cost skyrocketing of feed and supplements, ranchers have had to cut deeply into their herds, taking calves to market sooner and thinner than we would like to and even selling mature cows that keep the herds growing. It will take me several years to regain the herd I had to decrease and elect not to keep heifers due to the drought. As one person put it - we are selling the factory - in order to survive. The number of cows, female cattle, is falling which will push the cost of meat up in the supermarket in the coming months. The rancher is not receiving a profit on their cattle with this situation we are facing.

Any assistance from programs which will benefit the farmers and ranchers of Texas toward producing their livestock should be encouraged and lauded. I encourage you to approve these applications.

Thank you for your time and consideration in this matter.

Rosemary W. Kalina

Bryan W. Shaw, Ph.D, *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 19, 2011

TO: Persons on the Attached Mailing List

RE: Docket No. 2010-0735-IWD

Synagro of Texas-CDR, Inc.

Request(s) filed on Permit No. WQ0004887000

The above-referenced application and all timely filed hearing requests/requests for reconsideration on the above-referenced application will be considered by the commissioners of the Texas Commission on Environmental Quality (TCEQ) during the public meeting on **February 23, 2011**. The meeting will begin at 9:30 a.m. in Room 201S of Building E, at the commission's offices located at 12100 Park 35 Circle in Austin, Texas.

In accordance with commission rules, copies of the timely hearing requests/requests for reconsideration have been forwarded to the applicant, the Executive Director of the TCEQ, and the Public Interest Counsel of the TCEQ. Each of these persons is entitled to file a formal written response to the hearing requests/requests for reconsideration on or before 5:00 p.m. on **January 31, 2011**. Persons who have filed timely hearing requests/requests for reconsideration may file a formal written reply to these responses on or before 5:00 p.m. on **February 14, 2011**.

All responses and replies must be filed with the Chief Clerk of the TCEQ. Responses and replies may be filed with the Chief Clerk electronically at <http://www10.tceq.state.tx.us/epic/efilings/> or by filing an original and 7 copies with the Chief Clerk of the TCEQ. The mailing address of the Chief Clerk is: Office of Chief Clerk, ATTN: Agenda Docket Clerk, Mail Code 105, TCEQ, P. O. Box 13087, Austin, Texas 78711-3087 [Fax number (512) 239-3311]. On the same day any response is transmitted to the Chief Clerk, a copy must also be sent to the Executive Director, the Public Interest Counsel, the Director of the Office of Public Assistance, the Applicant and the requesters at their addresses listed on the attached mailing list. On the same day any reply is transmitted to the Chief Clerk, a copy must also be sent to the Executive Director, the Public Interest Counsel, the Director of the Office of Public Assistance, and other requesters and the applicant at their addresses listed on the attached mailing list.

The procedures for evaluating hearing requests/requests for reconsideration are located in 30 Texas Administrative Code (TAC) Chapter 55, Subchapter F (§§55.200-211) of the commission's rules. The procedures for filing and serving responses and replies are located in 30 TAC Chapters 1 (§§1.10-11) and 55 (§§55.209) of the commission's rules.

The hardcopy filing requirement is waived by the General Counsel pursuant to 30 TAC §1.10(h). Copies of these rules may be obtained by calling the Office of Public Assistance toll free at 1-800-687-4040.

The commissioners will not take oral argument or additional comment on this matter at the public meeting. Therefore, it is important to address the sufficiency of the requests in timely filed written responses and requesters' replies. At the public meeting, the commissioners may ask questions of the applicant, requesters, or TCEQ staff. The commissioners will make a decision on the request(s) during the meeting and will base that decision on the timely written requests, public comments, any written responses and replies, any responses to questions during the meeting, and applicable statutes and rules. Copies of all timely public comments and requests have been forwarded to the Office of Alternative Dispute Resolution to determine if informal, voluntary mediation might help resolve any dispute.

The attachment to this letter is intended to help you better understand how the TCEQ processes and evaluates hearing requests and requests for reconsideration. To obtain additional information, or to ask questions about anything in this letter, please call the TCEQ's Office of Public Assistance toll-free at 1-800-687-4040.

Sincerely,

A handwritten signature in cursive script, reading "LaDonna Castañuela".

LaDonna Castañuela
Chief Clerk

Enclosures: Copies of protestant correspondence to Applicant, Executive Director, Office of Public Interest Counsel, Office of Public Assistance and Alternative Dispute Resolution.